

CalRecycle Draft Regulatory Revisions to Title 14 and 27 Regarding Compostable Materials Handling and Transfer/Processing

Revised Draft Regulation Text – September 2013

Talking Points

- Speaking on behalf of CCC, CRRC, CORC, and ACP – 90% of composters, significant portion of organics processors.
- New regulatory package will set the framework under which the landfill diversion of organic materials is expected to increase dramatically in a short time frame in accordance with the 75% Plan goals.
- Representatives of the organizations have been requesting this regulatory update since the current regulations were approved in 2003; some of us have been working to develop compost standards since the 1990's and beyond. We are not opposed to higher standards.
- While we have seen substantial progress throughout the informal rulemaking process, but we still have reservations about some of the text currently proposed.
- We believe that this new regulatory framework – particularly those elements which elevate product quality standards and better establish market confidence – can help to build agricultural, Caltrans, and other important markets. But those standards need to be science-based and achievable by a preponderance of the industry.
- Current language regarding contaminants is unachievable, unacceptable, and has created great concern throughout our members. Absent increased controls on organic waste generators, currently-available technology cannot clean up the organic waste stream to the proposed 0.1% contamination level for most materials.
- It seems reasonable that the current organic waste stream represents the “low hanging fruit” and future materials will become incrementally dirtier the farther we dig into the landfill.
- Additionally, the proposal to allow In-vessel Dairy Digestion Operations to be permitted under an EA Notification – without apparent restrictions on the level of processing that may occur at the site – if the facility operates under WDRs, creates considerable regulatory inequities for current and future digestion projects at non-dairy sites.
- In my experience, WDRs fail to address a large number of issues considered in approval of a SWFP; requirements including traffic, odors, dust, hazardous waste handling, noise, personnel and users health and safety, supervision and training, site security, to name a few.
- We look forward to continued robust participation in this process with the expectation that more reasonable solutions can be achieved in relation to these two particular issues among other more minor issues that need attention.

Unresolved Issues

- Food Material Definition – no limit on contamination of material received; proposed tiered permitting ignored.
- Land application/Contamination limits on outbound material from chip/grind and composting – 0.1% contamination level difficult to with current lab testing methodologies; may not be attainable for some green waste composters; cannot be attained for mixed waste composters.
- Dairy digesters – no SWFP if Water Board approves under WDRs. No onsite processing limits.
- Green material contamination of 1% restricts curbside material from all but full SWFP sites.

New Issues

- New Definitions - Mixed Material, Nuisance
- Excluded activities reduced – maximum 100 cubic yards and 500 square feet
- Rendering materials clarification
- Research Operations – tighter requirements for reporting; maximum two year extension
- Odor Best Management Practice Feasibility Report – OIMP Plus – 14-day submittal requirement
- New Operating Standards – all handling activities shall be conducted in a manner that minimizes odor impacts so as to not cause a nuisance
- Physical Contamination Limits – Verification shall occur at the point where compost is sold and removed from the site, bagged for sale, given away for beneficial use, or otherwise beneficially used
- Distribution Center In-vessel Digestion Operation – EA Notification
- Separate permitting of composting/AD at same facility if composting of digestate is to occur
- LEA odor complaint verification and compliance procedures